

Child's Name and Description:

Noah Cuatro , DOB: 8/20/14, 4-year old Hispanic male, brown hair.

PETITIONER OR ATTORNEY DEPARTMENT OF CHILDREN AND FAMILY SERVICES Lancaster DCFS Office 300 E. Avenue K6 Lancaster, CA 93535 CSW Susan Johnson		PHONE: (661) 471-1001	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
CHILD'S NAME(S) Noah Cuatro	DOB: 8/20/14		
MOTHER'S NAME Ursula Juarez	FATHER'S NAME Jose Cuatro	LEGAL GUARDIAN'S NAME	
APPLICATION AND DECLARATION IN SUPPORT OF: <input checked="" type="checkbox"/> AUTHORIZATION FOR REMOVAL <input type="checkbox"/> MEDICAL/SEXUAL ABUSE EXAMINATION <input checked="" type="checkbox"/> ORDER AUTHORIZING ENTRY INTO HOME FOR REMOVAL PURPOSES <input type="checkbox"/> NIGHT SERVICE OF AUTHORIZATION FOR REMOVAL PURPOSES			APPLICATION NO.: RO 29330 CASE NO (if applicable): DK06992B DEPT. NO.: 426 Open case; notice given.

FINDINGS AND ORDERS

The Court has read and considered the application and the supporting ☒ declaration of the social worker, ☐ DCFS report, ☐ verified juvenile court petition, ☒ additional attached information presented to the Court by the social worker in this matter, and the Court makes the following findings and orders based on the information contained therein:

FINDINGS: (If denying request(s), proceed directly to page 9)**(1) ☐ AUTHORIZATION FOR REMOVAL**

There is probable cause to believe that the child is a person described in Welf. & Inst. Code § 300; and there is probable cause to detain the child from his/her ☐ mother, ☐ father, ☐ legal guardian and temporarily place care of the child with DCFS pending the Welf. & Inst. Code § 319 hearing because there is probable cause to believe there is a substantial danger to the safety or to the physical or emotional health of the child, and that continuance in the home of the parent(s) and/or legal guardian, is contrary to the child's welfare, due to one or more of the following:

The child requires immediate medical care.

The child is in danger of physical or sexual abuse.

The child's physical environment poses a threat to the child's health or safety.

The child is suffering severe emotional damage.

The child has no parent, guardian, or relative willing to provide care for the child.

Also, there is probable cause to support the finding that there are no reasonable means to protect the child's safety or physical health without temporary removal from the physical custody of the parents or guardians pending the Welf. & Inst. Code § 319 hearing. Therefore, a protective custody warrant should issue for the child pursuant to Welf. & Inst. Code § 340, subd. (b).

- (2) ☐ **MEDICAL AND/OR SEXUAL ABUSE EXAMINATION PURSUANT TO WELF. & INST. CODE § 324.5 and/or PENAL CODE § 13823.11:**

The child requires a medical exam by a licensed medical practitioner who has specialized training in diagnosing and treating child abuse and neglect in order to determine whether the child has been abused or neglected.

- (3) ☐ **ENTRY INTO THE HOME WHERE THE CHILD IS LOCATED**

There is probable cause to believe that the child is a person described in Welf. & Inst. Code § 300, the child will be found inside the location stated below when this authorization for removal order is executed, and that entry into the location(s) by DFCS and/or law enforcement investigators is necessary so long as it complies with Penal Code §§ 844 and/or 1531, such that entry into the child's home by DFCS and/or law enforcement investigators is required in order for DFCS and/or law enforcement investigators to remove and/or interview the child.

The child is currently believed to be located at the following address(es):

[REDACTED ADDRESS]

- ☐ **NIGHT SERVICE (10 p.m. -7 a.m.) – Good Cause:** Good cause for night service of this authorization for removal has been established in the supporting affidavit.

ORDERS:

(1) ☐ ORDERS AUTHORIZING REMOVAL:

A protective custody warrant is issued for the child named above pursuant to Welf. & Inst. Code § 340, subd. (b). DCFS is authorized to remove the child named above and the child shall be detained from his/her ☐ mother, ☐ father, ☐ legal guardian, pending the Welf. & Inst. Code § 319 hearing, unless upon further investigation mandated pursuant to Welf. & Inst. Code § 340, subd. (c), DCFS determines that services could be put in place to maintain the child's safety in his/her home pending the Welf. & Inst. Code § 319 hearing. If services can not be put in place to maintain the child's safety in his/her home pending the Welf. & Inst. Code § 319 hearing, then continuance in the home is contrary to the child's welfare as probably cause has been presented showing there is a substantial danger to the safety or to the physical or emotional health of the child and there are no reasonable means to protect the child's safety or physical health without removal.

(2) ☐ ORDERS AUTHORIZING MEDICAL AND/OR SEXUAL ABUSE EXAMINATION PURSUANT TO WELF. & INST. CODE § 324.5 AND/OR PENAL CODE § 13823.11:

Petitioner is authorized to obtain a medical exam for the child by a licensed medical practitioner who has specialized training in diagnosing and treating child abuse and neglect in order to determine whether the child has been abused or neglected. The exam shall be conducted within 72 hours of this order unless the child requires protective custody, in which case the exam shall be conducted within 72 hours of protective custody.

- ☐ Mother ☐ Father ☐ Legal Guardian is/are to be notified.
☐ Mother ☐ Father ☐ Legal Guardian is/are to be notified and invited to be present for the exam.
☐ Mother ☐ Father ☐ Legal Guardian is/are allowed to be on the premises but not in the exam room.
☐ Mother ☐ Father ☐ Legal Guardian is/are not to be on the premises or have any contact with the child during the exam.

(3) ☐ ORDERS AUTHORIZING ENTRY INTO CHILD'S LOCATION:

Petitioner's agency and/or law enforcement are authorized to enter the child's location pursuant to Penal Code §§ 844 and/or 1531 in order to serve the authorization to remove the child, take the child into protective custody, and deliver the child to the appropriate Los Angeles County child welfare agency representative. The child is currently believed to be located at the following address(es):

- ☐ **YES: NIGHT SERVICE (10 p.m. – 7 a.m.):** Good cause for night service of this authorization for removal having been established in the supporting affidavit, this authorization for removal may be executed at any hour of the day or night.

- ☐ REQUEST DENIED
☐ AS TO MOTHER
☐ AS TO FATHER

The court denies the application for the reasons listed below:

- ☐ Allegations are vague as to time
☐ No information on efforts to locate ☐ mother, ☐ father
☐ Not signed
☐ Illegible
☐ Inadequate showing of no reasonable means to protect without removal
☐ Facts as stated insufficient to support removal order
☐ Other

Referee/Commissioner of the Superior Court

Date

Judge of the Superior Court

Date

ORDER GOOD FOR TEN (10) DAYS FROM DATE OF ORIGINAL SIGNATURE.

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(SEAL)

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STATEMENT OF CAUSE – RO 29330

My name is Susan Johnson. I am the affiant for the application before the court. I am a Los Angeles County Department of Children and Family Service (DCFS) social worker, and have worked in this capacity for four years. I have received training in the investigation of child abuse and neglect. I received a Bachelor Degree in Sociology at the California State Dominguez Hills in 2004, and a Master's Degree in Human Service at Capella University in 2012. Since becoming a DCFS social worker, I have investigated approximately 10 allegations of child abuse and neglect. The facts stated in this declaration are true of my own personal knowledge, except as to any matters stated on information and belief, and as to those matters, I am informed and believe them to be true. If called as a witness in this matter, I could and would competently testify to the matters set forth below.

I am an Continuing Service Social Worker assigned to the Lancaster DCFS office and, in the course and scope of my employment, I investigated the home environment of the child Noah Cuatro (age 4), due to allegations of neglect. The child resides with mother/Ursula Juarez, father/Jose Cuatro [REDACTED]

The child Noah is a current dependent of the court in Dept. 426, DK06992B, due to sustained allegations that the child Noah was diagnosed with Failure to Thrive, Developmental Delay and Congenital Hypertonia. The child's mother, Ursula E. Juarez, and the child's father, Jose M. Cuatro, medically neglected the child by failing to take the child to the child's scheduled recommended medical appointments on eight occasions for the child to receive neurology, physical therapy, pediatric and genetic assessments and care. At the disposition hearing held on 6/1/17, the court declared [REDACTED] Noah ordered suitably placed. The Court ordered that parents to have unmonitored visits on the weekends for four hours. Parents to have monitored visits during the week two times a week for two hours each visit. [REDACTED]

[REDACTED] On 11/09/2018, the Court ordered Noah returned to the custody of the parents over the objection of DCFS. The Court ordered Parent Child Interactive Therapy (PCIT) for the parents and minor Noah. Since the child's return home, the mother has not participate in court-ordered counseling, the parents are not attending PCIT therapy as ordered by the court, and the Department is concerned about the parents' ability to attend to Noah's medical needs as on two separate occasions Noah was ill or injured and was not taken to the doctor or hospital in a timely manner. During a home call CSW Johnson had to encourage the family to take the child to the Doctor as he seemed lethargic, for the Doctor to report that the child had an ear infection. Then in April 2019, a new referral was generated after it was discovered that Noah had a bruise on his back and marks on his arms, and mother stated Noah fell off the bed which left him "out of air" with bruises on his back and arms, and the parents did not seek immediate medical attention for him. The Department is strongly concerned about the parents' capacity to address the ongoing safety and well-being of Noah.

This social worker reviewed DCFS records and criminal records to determine if this family has any child abuse history and criminal history. I reviewed those records as a part of my job duty. A review of DCFS records revealed the following:

[REDACTED]

Child Abuse / Referral History:

☒ Yes: If yes, state history:

[REDACTED]

[REDACTED]

Date: 10/4/16

Allegations: RP alleged general neglect of Noah [REDACTED] due to the fact that Noah Cuatro is failure to thrive and had gross motor developmental delays, feeding problems, sickle cell trait and hypotonia. The doctor's office made multiple attempts to contact the parents for doctor's appointment for Noah after 8 missed appointments. It appeared from the review of the medical records that Noah had no medical or developmental concerns while in protective custody from 08/26/2014 to 06/17/2015. After being returned to parents and during the month of December 2015, the medical records stated numerous concerns. The minor, Noah had gained no weight in 7 months. The parents failed to take care of Noah's medical needs.

Disposition: Substantiated. (See Dependency Court History section below.)

Dependency Court History:

☒ Yes: Dept. 409; Case Number DK06992 [REDACTED] B [REDACTED]

[REDACTED]

[REDACTED]

On 08/26/2014, a WIC §300 Petition was filed on behalf of the infant child Noah Cuatro. The Petition alleged the following:

b-3

The child, Noah Cuatro's father, Jose M. Cuatro, has a history of substance abuse, and is a current abuser of marijuana, which renders the father unable of providing regular care and supervision of the child. On prior occasions, the father was under the influence of marijuana [REDACTED]

[REDACTED] The father's substance endangers the child's physical health and safety and places the child at risk of physical harm and damage.

For the hearing on 5/21/15, DCFS reported the following:

From the onset of this case, mother has maintained her innocence. As was previously reported to the Court, Ms. Juarez participated in a lie detector test that she initiated and paid for. While DCFS doubts the authenticity of the examiner, this does not discount Ms. Juarez's willingness to take and obtain this test. Furthermore, DCFS was provided with a report by Dr. Thomas C. [REDACTED] hired by the mother (please see attached) [REDACTED] As such, the Department requested a medical forensic examiner to evaluate the entire facts of this, including but not limited to medical records, law enforcement reports and photographs, and Department investigation reports.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

After review of all the obtained evidence [REDACTED]

[REDACTED] the Department does not have sufficient evidence to meet its burden of proof as to the WIC
Petition [REDACTED] count b-1 (as to child Noah Cuatro), as it is more likely

than not that the mother did not cause the injuries. As such, the Department respectfully requests that allegations b-1 in both WIC Petitions [REDACTED] and Noah) be dismissed without prejudice.

[REDACTED]

As to [REDACTED] allegation b-3 as reflected in the WIC Petition as to Noah, there is no evidence to suggest the Cuatro father is an abuser of marijuana, nor has his marijuana use in the past negatively impacted the safety and welfare of his child [REDACTED]. Further, the Cuatro father submitted to two drug/alcohol tests for the Department at the onset of the case, producing negative results on both occasions and he has not been observed to be under the influence of drugs. Therefore, the Department respectfully requests that these allegations be dismissed without prejudice.

With the aforementioned information, the Department respectfully recommends that the two WIC §300 Petitions filed on behalf of [REDACTED] Noah Cuatro, be dismissed without prejudice, and that [REDACTED] Noah Cuatro be released to the care, custody, and control of the father Mr. Jose Cuatro and mother Ms. Ursula Juarez.

On 5/21/15, the petitions were dismissed and court terminated jurisdiction with [REDACTED] Noah released to parents.

☒ Yes: Dept. 426 [REDACTED]

☒ Open Case Concerning This Child – DK06992B

Next Court Date: 06/26/2019 – further WIC 364

Notice of Warrant:

Mother: Ursula Juarez was notified on 05/13/2018 by voicemail
Father(s): Jose Cuatro was notified on 05/13/2018 by voicemail
Mother's attorney: Carlos Argueta on 5/13/2019 by email.
Father's attorney(s): Mark Ahn on 5/13/2019 by email.
Child [REDACTED]'s attorney(s): Joy Yamato on 5/13/2019 by email.
County counsel: Melania Vartanian on 5/13/2019 by email.

On 11/21/16, DCFS filed a WIC 300 petition on behalf of [REDACTED] Noah Cuatro. The court ordered [REDACTED] child Noah detained in shelter care. Parents to have monitored visits with Noah. On 3/9/17, the court sustained the petition as follows:

b-1

The child, Noah A. Cuatro, has been diagnosed with Failure to Thrive, Developmental Delay and Congenital Hypertonia. The child's mother, Ursula E. Juarez, and the child's father, Jose M. Cuatro, medically neglected the child by failing to take the child to the child's scheduled recommended medical appointments on eight occasions for the child to receive neurology, physical therapy, pediatric and genetic assessments and care. Such medical neglect of the child on the part of the parents endangers the child's physical health and safety, and places the child [REDACTED]

At the disposition hearing held on 6/1/17, the court declared the child [REDACTED] dependent. [REDACTED] Noah ordered suitably placed. The Court ordered that parents to have unmonitored visits on the weekends for four hours. Parents to have monitored visits during the week two times a week for two hours each visit.

The Court ordered Mother to take parenting class focused on child development and attend individual counseling to address case issues and possible effects of past childhood trauma. [REDACTED]

Father was ordered parenting with focus on child development and father is to ensure that appropriate medical and dental for [REDACTED] minor [REDACTED] including Regional Center referral.

On 11/09/2018, the Court ordered Noah returned to the custody of the parents over the objection of DCFS. The Court ordered Parent Child Interactive Therapy (PCIT) for the parents and minor Noah. The Court ordered the Maternal Grandmother to have monthly visitation with Noah.

Parents' Compliance with services:

Mother completed a 12 week parenting course. Mother went to two counseling sessions and chose to not participate in counseling. Mother appears to not want to participate in therapy even though she has been Court ordered to attend.

Father completed a 12 week parenting course. Father did not take Noah to the doctor on two occasions where Noah was sick and injured.

Mother and Father did not attend PCIT therapy with Noah. Mother and Father do not want to attend PCIT therapy for themselves and Noah even though they are court ordered to attend.

The parents have allowed Maternal Grandmother with one visitation even though the visits were Court ordered.

Current Family Situation:

In preparing this declaration, this social worker spoke with mother/Ursula Juarez, father/Jose Cuatro, maternal great grandmother/Evangeline Hernandez, paternal aunt/Cynthia Cuatro, paternal grandmother/Nuvia Barrios, and the child/Noah Cuatro

On 02/28/2019, CSW Johnson went to the family home to do a child assessment on Noah. Noah appeared to be lethargic and withdrawn. CSW Johnson shared the concerns about Noah with father and asked father had Noah seen a doctor lately, father stated that he will ask Noah's mother about doctors visit.

On 03/04/2019, CSW Johnson texted father and asked how was Noah doing after CSW visit due to concerns about Noah being lethargic. Father stated that after CSW left that he took Noah to McDonalds and that Noah was doing good after that. CSW Johnson asked father again when was the last time that Noah went for a physical and father replied, "I am going to check right now".

On 03/06/2019, CSW Johnson sent a text to both parents stating that Noah needed to be seen by a doctor because of Noah's lethargic appearance during the home call on 02/28/2019.

On 03/06/2019, CSW Johnson spoke to father and stated that father or mother need to make an appointment for Noah to see the medical doctor and dentist and that CSW Johnson would need the doctor and dental dates by the end of the week due to the fact that the parents procrastinate or do not complete the tasks that CSW Johnson have asked of them in the past.

On 03/07/2019, CSW Johnson made an unannounced home call at the home of Noah's parents. CSW knocked on the door and the person who answered the door identified herself as Jose's sister, Cynthia Cuatro. CSW was given consent to enter the residence by Cynthia. Cynthia stated to CSW Johnson that Jose and Ursula and the child [REDACTED] did not live at this residence. Cynthia stated that she lived there with her kid [REDACTED] and her mother and father. Their other sister Gloria Cuatro was at the residence with her daughter and confirmed that Jose and Ursula and the kid [REDACTED] do not live at the residence any more. Cynthia stated that Jose and Ursula and the kid [REDACTED] moved out 5 months ago.

Jose's mother Nuvia Barrios came out of the bedroom and CSW asked her if Jose and Ursula and the kid [REDACTED] stay with her and Ms. Barrios stated that Jose and Ursula and the kid [REDACTED] live with her at times and stay other places maybe with Ursula father at times and that she gave them her bedroom and that she and her husband sleep on the blow up mattress in the living room.

CSW Johnson was shown the bedroom that was stated that the family stayed in and there was no belonging in the room for the parents or the child [REDACTED] the bedroom only had a bed and a dresser in it. CSW Johnson asked Ms. Barrios did the parents pay rent to live in her home and she stated no.

Cynthia stated that she is concerned about her nephew [REDACTED] because they are not in school and whenever she asked the parents they would shut down and refuse to discuss the matter. [REDACTED]

[REDACTED] Ms. Barrios stated that she was very concerned about her grandchild [REDACTED] and that Noah was always hungry when sees him and that she is always feeding him. [Note: CSW Johnson had been meeting the mother and father at this residence for the last 5 months and the parents stated to CSW that it was there residence. During the last 4 months whenever CSW would try to see the bedroom the father would tell CSW that his mother or another relative was in the room sleep.]